

### **REMARKS**

As of this first Office Action, Claims 1-6 are pending. Claims 1-6 stand rejected under 35 U.S.C. §112 as being generally indefinite and failing to conform with U.S. practice. Claims 1 and 2 stand rejected under 35 U.S.C. §102(e) as anticipated by U.S. Patent No. 6,473,628 to Kuno et al. (hereafter Kuno). Claim 3 stands rejected under 35 U.S.C. §103(a) as unpatentable over Kuno in view of U.S. Patent No. 6,628,971 to Yoon et al. (hereafter Yoon), and claims 4-6 stand rejected under 35 U.S.C. §103(a) as unpatentable over Kuno in view of U.S. Patent No. 5,870,683 to Wells et al. (hereafter Wells). The Office Action also objects to Claim 4 and the specification due to various informalities.

By way of this instant amendment, the specification is amended to correct the indicated informalities. These amendments to the specification are made at the suggestion of the Examiner and do not introduce new matter since the amendments merely correct obvious clerical mistakes made during the translation of the foreign priority document into English. Further, claims 1 and 2 are canceled by way of this amendment and claims 3-6 are amended to conform to with U.S. practice and more positively set forth the Applicant's teachings to distinguish the Applicant's invention from the cited references.

In brief the Applicant would like to point out that the subject portable telephone set may operate as a telephone in a first mode to receive and transmit wireless communications such as voice, text messages (e.g., mail), and provide additional functions (e.g., games and/or music) in a second mode. When the Applicant's telephone set is placed in the second mode by the user (i.e., by pressing a telephone function stop key), the telephone functions are disabled by a stop means so that the user may concentrate on and enjoy the additional functions of the telephone set in an uninterrupted manner (i.e., without interruption from incoming telephone communications such

as received calls, text messages and the like). Further, in another embodiment, during use of the additional functions the stop means may cooperate with a control means of the telephone set to intermittently or periodically switch the telephone back to the first mode (i.e., enabling the telephone functionality) for checking of incoming calls, voicemail, text messages and the like and provide the user with an indication (e.g., an icon) thereof. In contrast to known devices, the subject portable telephone set may remain on to use the additional functions while the telephone functionality is stopped. In this way the Applicant's telephone set may be operated for the user's enjoyment in airplanes or like places where electromagnetic interference due to radio transmissions is undesirable.

Regarding the rejection of claim 3 in view of Kuno and Yoon, the Applicant respectfully disagrees with the Examiner's statement on page 4, point 6 (third paragraph) of the Office Action that Kuno teaches a manipulating means with a telephone function stop key for stopping the telephone functions. Particularly, column 10 lines 51-54 of Kuno to which the Office Action refers discloses "various keys and buttons" that are well known in the art, but a telephone function stop key is not shown, disclosed or suggested. It is obvious that Kuno's on-off button 24 will stop the telephone functions from operating, but by operating this on-off button 24, the telephone set will turn off completely and the additional functions will be unavailable to the user. As disclosed, function button 38 may place the control unit 12 in a "mode-input state" where the control unit 12 waits for additional inputs, but this function button 38 does not stop the telephone functions from operating. Kuno discloses that in a SFX mode that is selected through function button 38 (among other button inputs), that the call button 18 is not recognized (col. 12, ll. 20-28). Thus, the Applicant asserts that Kuno's phone may continue to receive radio communications and that the radio communicating means is not stopped although a call cannot

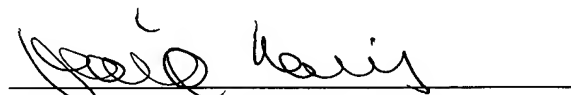
be placed in the SFX mode since call button 18 is inoperative. Kuno does not teach, disclose or suggest the selective de-energization of the radio communicating means so that the additional functions may operate uninterrupted. Moreover, Yoon does not teach, disclose or suggest the telephone function stop key and selective deenergization of the radio communicating means thereby so that the additional functions may operate uninterrupted. Therefore, the Applicant believes that Claim 3 as currently amended is allowable over the combination of Kuno and Yoon.

With regard to claim 4, the Applicant respectfully disagrees with the Examiner's statement on page 6 of the Office Action indicating that Kuno teaches a stopping means for stopping the operation of the communication function unit. As the Applicant has indicated relative to the rejection of claim 3, the Office Action may have mis-characterized function button 38 as a stopping means for stopping radio transmission and receiving operations. As previously stated, by pressing function button 38 the user may place the control unit 12 in a "mode-input state" where the control unit 12 waits for additional inputs. However, this function button 38 does not stop the communication function unit from operating, that is, receiving and transmitting radio signals such as monitoring a paging channel to determine if a call is incoming. Although Kuno discloses that in a SFX mode that the call button 18 is not recognized (col. 12, ll. 20-28), Kuno does not teach, disclose or suggest the selective de-energization of the communication function unit by the stop means. Further, Kuno does not disclose, teach or suggest the stop means having first and second stop modes as now claimed. Moreover, Wells does not disclose, teach or suggest a stop means having first and second stop modes. Therefore, the Applicant believes that Claim 4 as currently amended, as well as claims 5 and 6 dependent thereon, are allowable over the combination of Kuno and Wells.

In view of the instant amendment, it is respectfully submitted that the claims are in condition for reconsideration and allowance. The Applicant kindly requests that the Examiner telephone the undersigned Applicant's representative in the event a telephone discussion would be helpful in advancing the prosecution of the present application.

Respectfully submitted,

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